IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 27526 of 2005

Between:

Lakshmi Babi

..... PETITIONER

AND

The Assistant Commissioner,

Endowment Department, Kurnool.

.....RESPONDENT

ORDER:

Seeking a Mandamus, declaring the action of the respondent in contemplating to register the subject temple Sri Mala Malleswara Temple, Neraniki Thanda village, Holagunda Mandal, Kurnool District without hearing the objections of the petitioner under Section 43 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner submits that Sri Mala Malleswara Temple, Neraniki Thanda village, Holagunda Mandal of Kurnool District belongs to her family and she is the Trustee of the said Temple. It is stated that when the said temple sought to be registered under the Act, the petitioner made objections/representations to the respondent on 20.09.2005 and 14.12.2005, but without considering the said representation as contemplated under Section 43(5) of the Act, the respondent is taking steps to register the said temple.

I am not inclined to express any opinion whether the said temple is liable to be registered under the Act and whether any tenable objections are there on the part of the petitioner as against the action of the respondent in registering the temple under the Act. But, however, when a representation is pending, it is just and proper for the respondent to consider and dispose of the same in accordance with law.

Having regard to the facts and circumstances of the case, the

1st respondent is directed to consider and dispose of the objections/representations of the petitioner dated 20.09.2005 and 14.12.2005, in accordance with law, after giving a reasonable opportunity to the petitioner before passing any final orders under Section 43 of the Act.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 26.12.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr